

REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the foregoing amendments and remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

Independent claim 1 has been amended by incorporating therein the subject matter of dependent claim 2. Accordingly, the foregoing amendments do not raise any new issues and should be entered after final rejection.

The present application includes four rejections based on 35 U.S.C. §103(a). Each of the rejections relies on a "first reference" to teach the basic vacuum vessel with a partitioning section. For the four rejections, the "first reference" is *Xu*, *Ko*, *Tanaka*, and *Yuda*, respectively. Applicant reserves the right to predate one or more of the four references at a later time, if necessary and appropriate.

For each of the four rejections, the Examiner has added the teachings of *Kasai* and *Lee*. The Examiner relies upon *Kasai* for a teaching that showerheads can be heated. In response filed on January 3, 2005, Applicant challenged the combination of *Kasai* with the "first reference" for the reasons set forth in detail in the remarks filed on January 3, 2005. Applicant continues to assert this position, and the appropriate remarks from the response filed on January 3, 2005 are incorporated herein by reference.

The Examiner also relies upon *Lee* for a teaching of conductive O rings 62. The Examiner alleges that the conductive O rings correspond to the electrically conductive spiral shield of the claimed invention. However, Applicant submits in taking this position, the Examiner has ignored a limitation of the claim, i.e., the

"spiral" term. As set forth now in both of the independent claims, the electrically conductive spiral shield is as described: a spiral that forms an electrical contact between the partitioning section and the vacuum vessel. As described in paragraph 48 of the specification, the spiral shield has spring properties. Thus, it is clear that the electrically conductive spiral shield is substantially a coil of wire, which therefore has the ability to expand or contract like a coil spring.

The conductive O ring 62 of *Lee* is structurally quite different from an electrically conductive spiral shield. *Lee* discloses a conductive O ring which is a composite structure with an inner portion made of a rubber material and a surface layer made from a conductive material. See column 7, lines 1 – 3. Thus, not only is the conductive O ring of *Lee* likely not as conductive as the claimed electrically conductive spiral shield, it is also not as easily expandable and contractable as the claimed electrically conductive spiral shield. This is significant because the claimed partitioning section includes a heater.

As is customary in such apparatus, the temperature change can be quite large. Because of large temperature changes, the materials may expand and contract. Because the electrically conductive spiral shield of the present invention is, as described, a spiral, it easily allows for such expansion and contraction so as to easily accommodate any temperature changes that might be found in the CVD apparatus.

Accordingly, the claimed invention of claims 1 and 3 include a unique combination of elements that has, among other elements, an electrically conductive spiral shield which helps maintain a good electrical contact between the partitioning

section and the vacuum vessel, in spite of large temperature swings in the apparatus.

Lee does not teach or suggest such a structure. As described above, *Lee* discloses an elastomeric, conductive O ring. Thus, not only is the O ring of *Lee* not as easily expandable and contractable as the claimed electrically conductive spiral shield, but it is also not as conductive. Accordingly, in view of the foregoing amendments and remarks, the Examiner is respectfully encouraged to reconsider and withdraw the outstanding rejection of claim 1-6 based on 35 U.S.C. §103(a).

The application also includes rejections based on the judicially created doctrine of obviousness type double patenting. Such rejections also rely upon *Lee* in the same manner as the rejections based on 35 U.S.C. §103(a). Accordingly, Applicant submits that the double patenting rejections are also overcome by the foregoing amendments and remarks.

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

In the event that there are any questions concerning this amendment, or the application is general, the Examiner respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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